

following: that the “minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or, in particular emergencies, to extort unreasonable indulgences.”

Here, are our Founders saying: We experienced the supermajority. Don’t ever do it.

They wrote the Constitution so a supermajority was reserved only for special circumstances, like evicting Members, like considering a treaty, like overruling a Presidential veto.

So why are we here today doing exactly what the Founders said not to do and experiencing exactly the results that they had experienced under the Confederation Congress?

My friends, we have a responsibility to restore the function of this body. We need to streamline the nomination process. Think about how a nomination works. You vote to go to executive session. You have a motion to proceed to a nomination. You vote on proceeding. You hold a debate, you hold a vote, and then you proceed it, and then you hold a debate, and then you vote, and then you have 2 hours of postdebate, and then finally a vote. That is a crazy system to be able to consider a nomination. It takes up huge amounts of our time when a simple vote to proceed, limited debate, simple vote to proceed to on the floor, simple time to consider it, and a vote on whether or not you are going to allow the person to fill the position the person has been nominated for—this sort of streamlining would save us all a tremendous amount of time that could be dedicated to actual debate and actual amendments.

Then there is this use of a supermajority on motions to proceed to legislation, using a blockade to prevent debate, not to facilitate debate, as is sometimes argued for the supermajority—that it can slow things down, facilitate debate, make sure bills are read, make sure there is a chance of negotiation—no, to prevent debate. We shouldn’t spend time debating whether to debate. Let’s just have a set hour to consider whether to move to a bill, and then we either move to it or we don’t.

How about amendments? I noted the collapse of the ability of Senators to amend. Senators in the minority want to do amendments. Senators in the majority want to do amendments. We all have ideas and thoughts on how to change things and improve things. We want to make our case, but we don’t get to do it here anymore.

Don’t we have a bipartisan, vested interest in restoring amendments to the deliberations of the Senate? You know, I was pondering this question because we seem to be locked in a cycle where, given partisan differences in the Nation—partisan differences that are increased by social media and increased by cable television—we just can’t seem to come together to be able to make this place work as it is supposed to, as it is our responsibility to do. But we

have gotten to the point where we are utterly—utterly—damaging the United States of America.

You know, the President of China, President Xi, is saying: Hey, there is a world competition between democratic republics and an authoritarian world. Look what we have done in China. We went from bicycles, and then we had cars and traffic jams, and now we have bullet trains, 16,000-mile bullet trains. Look what we are accomplishing. Look how many millions are lifted out of poverty. Look how paralyzed the United States is.

Why is the United States paralyzed? Because this Chamber cannot discuss a simple debate and vote like every State legislature across this country does.

Colleagues, let’s come together. Let’s restore debate. Let’s restore amendments. Let’s save and savor and improve the ability of the minority to participate in the process, but let’s also remember that balance of the Senate involves getting to a final decision, a simple majority vote as the Founders had intended.

The PRESIDING OFFICER. The Senator from Illinois.

NOMINATION OF JENNIFER SUNG

Mr. DURBIN. The Senate will soon be voting on a highly qualified nominee to the Ninth Circuit, Jennifer Sung.

She is a distinguished jurist who will bring an underrepresented perspective to the bench. She is a graduate of Oberlin and Yale Law School. She clerked for Judge Betty Binns Fletcher on the Ninth Circuit. She received a prestigious Skadden Fellowship and worked on economic legal issues at the Brennan Center. She spent more than a decade representing American workers, often minorities from low-income and underserved communities, in labor disputes.

In 2017, Oregon Governor Kate Brown appointed her to serve on the Oregon Employment Relations Board, known as the ERB. It is a three-member, quasi-judicial agency charged with resolving labor disputes. As a member of that board, she sits on a three-member panel that reviews evidentiary records, independently evaluates the law, and works in a collaborative manner to reach consensus on opinions and issues. If that sounds like the same process she would follow in Federal court, it is. In her nearly 5 years on that board, she has presided over more than 200 matters, and only 3 of the 200 have ever been overturned.

She has exhibited the kinds of qualities we expect of a circuit court nominee. She has been criticized for one thing that she did in her life, and some of her critics won’t forget it. She signed a letter that was opposed to Judge Kavanaugh’s nomination to the Supreme Court. She has testified under oath before our committee that some statements in that letter were, in fact, overheated. More importantly, she testified that she respects the authority of all members of the Supreme Court

and recognizes the importance of faithfully following law and precedent.

The best evidence of how she will serve on the circuit is her impressive record in the State of Oregon. When you look at that record, you see that she has the support not only of many colleagues but also of employees, unions, and employers. Here is what they said: “impressive intelligence, diligent preparation, respectful courtroom demeanor, and judicial impartiality.” How about that for a checklist for a judgeship?

When I hear some of my colleagues express outrage over one letter she signed in her life, I wonder if they remember some of the nominees that they brought before us in the last 4 years. It appears there is a double standard.

Ms. Sung has the strong support of Senators MERKLEY and WYDEN, and the American Bar Association rated her as “well qualified.” As the first Asian-American woman—she will be the first to hold the Oregon seat in the Ninth Circuit, bringing diversity to that bench. Her professional accomplishments and her commitment to fairness and impartiality are profound and impressive.

I support her, and I hope my colleagues will as well.

I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Prieto nomination, which the clerk will report.

The legislative clerk read the nomination of Jeffrey M. Prieto, of California, to be an Assistant Administrator of the Environmental Protection Agency.

VOTE ON PRIETO NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Prieto nomination?

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Georgia (Mr. WARNOCK) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 460 Ex.]

YEAS—54

Baldwin	Casey	Gillibrand
Bennet	Collins	Hagerty
Blumenthal	Coons	Hassan
Booker	Cortez Masto	Heinrich
Brown	Cramer	Hickenlooper
Cantwell	Duckworth	Hirono
Cardin	Durbin	Hyde-Smith
Carper	Feinstein	Kaine

Kelly
King
Klobuchar
Leahy
Lujan
Manchin
Markey
Menendez
Merkley
Murphy

Murray
Ossoff
Padilla
Peters
Reed
Rosen
Sanders
Schatz
Schumer
Shaheen

Sinema
Smith
Stabenow
Tester
Van Hollen
Warner
Warren
Whitehouse
Wicker
Wyden

NAYS—44

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Cornyn
Cotton
Crapo
Cruz
Daines
Ernst
Fischer

Graham
Grassley
Hawley
Hoeven
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Murkowski
Paul

Portman
Risch
Romney
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Young

NOT VOTING—2

Rounds Warnock

The nomination was confirmed.
(Mr. BOOKER assumed the chair.)

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. OSSOFF). Under the previous order, the Senate will resume consideration of the Nayak nomination, which the clerk will report.

The senior assistant bill clerk read the nomination of Rajesh D. Nayak, of Maryland, to be an Assistant Secretary of Labor.

VOTE ON NAYAK NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Nayak nomination?

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Georgia (Mr. WARNOCK) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY) and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting, the Senator from Louisiana (Mr. CASSIDY) would have voted "nay."

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 461 Ex.]

YEAS—52

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Duckworth
Durbin
Feinstein

Gillibrand
Hassan
Heinrich
Hickenlooper
Hirono
Kaine
Kelly
King
Klobuchar
Leahy
Lujan
Manchin
Markey
Menendez
Merkley

Murkowski
Murphy
Murray
Ossoff
Padilla
Peters
Reed
Romney
Rosen
Sanders
Schatz
Schumer
Shaheen
Sinema
Smith

Stabenow
Tester
Van Hollen

Warner
Warren
Whitehouse

Wyden

NAYS—45

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer

Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran

Paul
Portman
Risch
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NOT VOTING—3

Cassidy Rounds Warnock

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

MOTION TO DISCHARGE—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that all remaining time on the motion to discharge be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MOTION TO DISCHARGE

The question is on agreeing to the motion to discharge.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Georgia (Mr. WARNOCK) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 462 Ex.]

YEAS—49

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Hassan
Heinrich

Hickenlooper
Hirono
Kaine
Kelly
King
Klobuchar
Leahy
Lujan
Manchin
Markey
Menendez
Merkley
Murphy
Murray
Ossoff
Padilla
Peters

Reed
Rosen
Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester
Van Hollen
Warner
Warren
Whitehouse
Wyden

NAYS—49

Barrasso
Blackburn
Blunt
Boozman
Braun
Cramer
Crapo
Cruz
Daines
Ernst
Fischer
Graham
Grassley
Hagerty

Cotton
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall

McConnell
Moran
Murkowski
Paul
Portman
Risch
Romney

Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune

Tillis
Toomey
Tuberville
Wicker
Young

NOT VOTING—2

Rounds Warnock

The VICE PRESIDENT. On this vote the yeas are 49, the nays are 49.

The Senate being equally divided, the Vice President votes in the affirmative, and the motion is agreed to.

The nomination is discharged and will be placed on the calendar.

Mr. KELLY. Madam President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KELLY). Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, before we adjourn this evening, in a few moments, I will move to confirm Mr. Tom Nides as the next Ambassador to Israel.

I am glad the Republican hold on Mr. Nides has been lifted, and we will have an Ambassador in Israel to help maintain and strengthen the U.S.-Israel relationship.

Mr. Nides, as I have known him for many years, is just the right fit. He is a hard-working man. He is a bright man. He has tremendous experience, and he cares very much about strengthening the U.S.-Israel relationship. So this will be a good day for that relationship because we are going to confirm him very, very shortly.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Calendar No. 452, Thomas R. Nides, of Minnesota, to be the Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Israel, and that the Senate vote on the nomination without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Thomas R. Nides, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Israel.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Nides nomination?

The nomination was confirmed.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the